

REMARKS/ARGUMENTS

This Amendment is being filed in response to the Final Office Action dated March 9, 2009. Reconsideration and allowance of the application in view of the amendments made above and the remarks to follow are respectfully requested.

Claims 1-9 and 16-26 are pending in the Application. Claims 10-15 are canceled herein, without prejudice. Claims 21-26 are added by this amendment. By means of the present amendment, the claims are amended including to correct informalities noted upon review of the claims. By these amendments, the claims are not amended to address issues of patentability and Applicants respectfully reserve all rights under the Doctrine of Equivalents. Applicants furthermore reserve the right to reintroduce subject matter deleted herein at a later time during the prosecution of this application or continuing applications.

In the Office Action, claim 3 is rejected under 35 U.S.C. §112, second paragraph. The rejection of claim 3 under 35 U.S.C. §112, second paragraph is respectfully traversed. However, in the interest of advancing consideration and allowance of the claims, Applicants have elected to amend claim 3 to address the concerns raised in the Office Action. Accordingly, it is respectfully

submitted that claim 3 is in proper form and it is respectfully requested that this rejection under 35 U.S.C. §112, second paragraph, be withdrawn.

In the Office Action, claims 1-3, 5, 6, 8, 16, 17 and 18 are rejected under 35 U.S.C. §103(a) over U.S. Patent No. 5,479,528 to Speeter ("Speeter") in view of U.S. Patent Publication No. 20040031180 to Ivanov ("Ivanov"). Claims 4, 7 and 9 are rejected under 35 U.S.C. §103(a) over Speeter in view of Ivanov and further in view of U.S. Patent No. 6,515,586 to Wymore ("Wymore"). Claims 18 and 20 are rejected under 35 U.S.C. §103(a) over Speeter in view of Ivanov and further in view of German Patent No. DE 3731773 to Koelsch ("Koelsch"). The rejection of claims 1-9 and 16-20 is respectfully traversed. It is respectfully submitted that claims 1-9 and 16-26 are allowable over Speeter in view of Ivanov alone and in view of any combination of Wymore and Koelsch for at least the following reasons.

It is undisputed that Speeter does not show "said characteristic of pressures is a pressure distribution pattern which represents a distribution of pressure per unit area exerted by at least one foot of the person on a surface" as recited in the claims (see, Office Action, page 3). Ivanov is cited as allegedly

curing the admitted deficiencies of Speeter, however, it is respectfully submitted that reliance on Ivanov is misplaced.

While Ivanov does show "a plurality of pressure sensors for sensing a user's handgrip on the device; comparator means for comparing a pressure signature profile compiled from an output from said pressure sensors with at least one pressure signature profile in storage" (see, abstract), Ivanov uses piezoelectric grid to define a pressure signal profile which indicates the pressure exerted at an intersection of a grid points on a piezoresistive film (see, Ivanov, paragraph [0044]).

It is respectfully submitted that the system of claim 1 is not anticipated or made obvious by the teachings of Speeter in view of Ivanov. For example, Speeter in view of Ivanov does not teach, disclose or suggest, a system that amongst other patentable elements, comprises (illustrative emphasis provided) "means for detecting a pressure distribution pattern which represents a distribution of pressure per unit area exerted by at least one foot of the person on a surface, wherein the means for detecting comprises a means for producing an image signal representing the distribution of pressure per unit area, means for storing data for each of a plurality of persons, said data comprising a detected

pressure distribution image pattern of the distribution of pressure per unit area and an associated person identification code, and means for comparing a detected pressure distribution image pattern with stored pressure distribution image patterns to find a stored pressure distribution image pattern, if any, that matches the detected pressure distribution image pattern" as recited in claim 1 and as substantially recited in claim 8. Clearly neither of Speeter and Ivanov utilize image data nor produce an image signal representing the distribution of pressure per unit area.

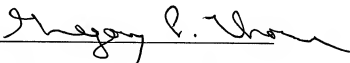
Wymore and Koelsch are introduced for allegedly showing elements of the dependent claims and as such, does nothing to cure the deficiencies in each of Speeter and Ivanov.

Based on the foregoing, the Applicants respectfully submit that independent claims 1 and 8 are patentable over Speeter in view of Ivanov and notice to this effect is earnestly solicited. Claims 2-7, 9 and 16-26 respectively depend from one of claims 1 and 8 and accordingly are allowable for at least this reason as well as for the separately patentable elements contained in each of the claims. Accordingly, separate consideration of each of the dependent claims is respectfully requested.

In addition, Applicants deny any statement, position or averment of the Examiner that is not specifically addressed by the foregoing argument and response. Any rejections and/or points of argument not addressed would appear to be moot in view of the presented remarks. However, the Applicants reserve the right to submit further arguments in support of the above stated position, should that become necessary. No arguments are waived and none of the Examiner's statements are conceded.

Applicants have made a diligent and sincere effort to place this application in condition for immediate allowance and notice to this effect is earnestly solicited.

Respectfully submitted,

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